

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14545 of Logan/13th Street Associates, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use the entire premises for SP office uses and for variances from the prohibition against one required parking space measuring less than nine feet by nineteen feet (Section 7204) and from the allowable commercial floor area ratio requirements (Sub-section 4301.1) in a SP-2 District at premises 1224 - 13th Street, N.W., (Square 245, Lot 838).

HEARING DATE: January 28, 1987

DECISION DATE: January 28, 1987 (Bench Decision)

1. The site, known as premises 1224 - 13th Street, N.W., is located on the west side of 13th Street between M and N Streets. The site is located within an SP-2 District.

2. The site is rectangular in shape and measures 18.58 feet by 110 feet for a total land area of 2,043.8 square feet. The site is improved with a three-story plus basement detached stone structure which occupies 94 percent of the site. This structure was built at the turn of the century, added to in the 1930's and contains 7,425.60 square feet of gross floor area. The structure has a history of residential use although it is currently vacant.

3. The surrounding area is characterized by a mix of uses, including SP offices; nonconforming retail facilities, several of which are immediately to the south of the subject premises; two hotels - the Washington Plaza Hotel to the west along Vermont Avenue and a Best Western Hotel immediately across 13th Street; and numerous 90 foot high apartment buildings. There are also a number of surface parking lots interspersed about the neighborhood.

4. The entire Square within which the subject premises is located is zoned SP-2. The SP-2 District runs from Thomas Circle to approximately the middle of the adjacent Square to the north. There is C-4 zoning south of Thomas Circle and L Street, and R-5-C zoning as you approach Logan Circle.

5. Pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a special exception under Paragraph 4101.44 to use the entire premises for SP office uses and for variances from

the prohibition against having on required parking space measuring less than nine feet by nineteen feet (Section 7204) and from the allowable commercial floor area ratio requirement (Sub-section 4301.1).

6. The applicant proposes to renovate the subject premises to accommodate offices for either one or two non-profit organizations or professional persons such as architects, dentists, doctors, engineers, lawyers or other similar persons. The applicant has no specific tenant for the structure but estimates the building is capable of holding 25 individuals.

7. The structure has been part of the urban fabric of this neighborhood for well over 80 years. Its height, bulk and design mirrors that of many of the older residential structures along N Street to the south and further north in the vicinity of Logan Circle. It is of considerably less bulk than the highrise residential and hotel structures in the vicinity.

8. One parking space will be provided on the site. There is no space available on the site to provide additional parking.

9. There is a public parking lot one block to the north of the site at 13th and N Streets which can accommodate 80 vehicles on a daily basis and which has space available on a monthly basis. There is also a Metropark parking garage available for the public two blocks to the south, on the east side of 13th Street north of K Street. There are 15 Metrobus routes within two blocks of the subject site. The McPherson Square Metrorail station is a 10 minute walk from the site.

10. The one parking space provided on the site measures nine feet by 18.98 feet. The space may not be enlarged to 19 as the lot itself is 18.98 feet wide.

11. The building's present F.A.R. pre-dates the 1978 amendment to the zoning regulations which reduced the maximum floor area ratio for office development in a SP zone from 5.5 to 3.5.

12. It is impossible to reduce the building's F.A.R. without altering the structural integrity of the building.

13. The extent to which the structure exceeds the FAR amounts to a small portion of one floor of the structure. If the applicant devoted an entire floor to residential use in order to comply with the prescribed FAR limitation, problems relative to the separation of uses and access/egress for two distinct types of uses would be created.

14. The structure occupies 94 percent of its lot, and the lot cannot be expanded because it is adjoined on two sides by public alleys and on the other side by an existing building.

15. The structure is located in an area where many of the other buildings exceed the FAR by substantially more than 3.8 percent and are used for nonresidential purposes.

16. By memorandum dated January 21, 1987, the Office of Planning (OP) recommended approval of the application. OP reported that the applicant complies with the special exception criteria of Paragraph 4101.44 and with the standards for the granting of a variance from Sub-section 4301.1 and Section 7204 of the Regulations.

17. By letter dated January 21, 1987, Advisory Neighborhood Commission (ANC) 2C reported that it voted to support the application as it would be in harmony with the already existing uses and structures, the ANC would like to see the vacant building put to beneficial use. The area variances are justified. The Board concurs with the reasoning and recommendations of the ANC.

18. There was no opposition to the application at the public hearing of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations.

Paragraph 4101.44 allows for the establishment of an office for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person, provided that:

4101.441 The use, height, bulk and design are in harmony with existing uses and structures on neighboring property;

4101.442 The use will not create dangerous or other objectionable traffic conditions;

4101.443 The Board may require such special treatment in the way of design, screening of buildings, accessory uses, signs and other facilities as it shall deem necessary to protect the value of neighboring property.

The Board concludes that the applicant has met the burden of proof. The use, height, bulk and design of the structure are in harmony with the neighborhood and the traffic generated by the proposed use will be minimal. The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

The Board further concludes that the applicant is seeking area variances the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

The Zoning Regulations require that one parking space measuring nine by nineteen feet be provided at the site (Section 7204). The parking space provided is nine feet by 18.98 feet, or approximately two inches less than what is required. Since the lot itself is 18.98 feet wide, it is impossible for the applicant to comply with the size requirement. Sub-section 4301 permits a non-residential FAR of 3.5 in an SP-2 District. With an FAR of 3.6, the subject structure exceeds the prescribed limit. Therefore, in order to utilize the entire premises for SP offices, the applicant requires a variance of 272.30 feet or 3.80 percent. The subject structure was constructed well before the advent of both the 1958 Zoning Regulations and the subsequent 1978 amendments to the SP District which established the 3.5 FAR limitation for office uses.

Many of the neighboring buildings exceed the current FAR allowance. Furthermore, the FAR of the subject structure could not be reduced without structurally damaging the building. The building could not practically be divided between residential and commercial uses. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan.

The Board further concludes that it has accorded to ANC 2C the great weight to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. The number of people employed at the site shall not exceed 25.

- b. The applicant shall establish an area on the interior of the structure for the storage of trash. No dumpster shall be located in the parking space.

VOTE: 3-0-1 (Lindsley Williams, Paula L. Jewell and Carrie L. Thornhill to grant; Williams F. McIntosh abstaining)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: APR 3 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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